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Chairman: Mr. Wolfe ..... (Jamaica)

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The meeting was called to order at 10.05 a.m.

Agenda item 63: Advancement of women (*continued*) (A/C.3/62/L.16)

Draft resolution A/C.3/62/L.16: Eliminating the use of rape and other forms of sexual violence as instruments to achieve political or military objectives

1. **Mr. Rees** (United States of America), introducing draft resolution A/C.3/62/L.16, said that Afghanistan, Belgium, Bulgaria, Cambodia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Nauru, the Netherlands, Poland, Portugal, the Republic of Korea, Romania, Samoa, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, and Vanuatu had joined the sponsors of the draft resolution. He looked forward to the adoption of the draft resolution by consensus since it was clear that Member States, regardless of geographical, political or cultural differences, all agreed that the use of rape and sexual violence to achieve political or military objectives was particularly egregious and reprehensible.

2. **Mr. Khane** (Secretary of the Committee) said that Denmark and Lithuania also wished to join the sponsors.

Agenda item 66: Promotion and protection of the rights of children (*continued*) (A/C.3/62/L.21*)

Draft resolution A/C.3/62/L.21: Supporting efforts to end obstetric fistula*

3. **Ms. Sow** (Senegal) said that Botswana, Chile, Côte d'Ivoire, the Democratic Republic of the Congo, Eritrea, Jamaica, Niger, Nigeria, Norway, Saudi Arabia and Zambia had joined the sponsors of the draft resolution. She outlined the social, economic and cultural environment in which many women and girls gave birth, and the lack of emergency medical care that often led to obstetric fistula. The draft resolution identified poverty, malnutrition, poor maternal health care, gender discrimination and early pregnancy as the main factors contributing to the condition. Its victims were mostly uneducated women and girls in the poorest sector of the population, particularly in remote areas. Efforts should be made to prevent early childbearing since girls were at greatest risk.

4. The Government of Senegal, supported by the United Nations Population Fund (UNFPA), had made a commitment to provide free treatment through the development of a policy for the prevention and care of fistula. The objective of the current draft resolution was to drastically reduce the incidence of obstetric fistula, especially in developing countries, and to help patients regain a normal and productive life.

5. **Mr. Khane** (Secretary of the Committee) noted that Canada, the Dominican Republic, Mali, Morocco, the Sudan and Uganda had also joined the sponsors.

Agenda item 70: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254, 255, 265, 280, 286, 287, 288, 289, 293, 298, 304 and 317; A/C.3/62/3)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/62/213, 223, 263, 264, 275, 313, 318, 354 and 498; A/C.3/62/4)

(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/62/230)

6. **Mr. Rogachev** (Russian Federation) said that, since its adoption, the Universal Declaration on Human Rights had become a global standard for the promotion and protection of human rights. Many Member States had experienced the grave consequences of human rights violations. Attempts to whitewash Nazism and to distort history had been sources of concern. Similarly, the desecration of graves and monuments dedicated to the memory of soldiers who had died during the Second World War was an insult to the goals and principles of the United Nations and an outrage to the collective conscience.

7. Compliance with the provisions of international human rights instruments had been undermined by attempts to impose unilateral standards in the field of human rights, under the guise of universal rules, the selective interpretation of human rights and democratic principles, the establishment of pseudo-democratic international associations that claimed a monopoly on democratic values, and other negative trends. The international community should therefore rise above its

political interests and focus on strengthening dialogue and cooperation.

8. At the European level, the President of the Russian Federation had recently proposed the establishment of a Russia-European institute for freedom and democracy, with the objective of facilitating joint activities relating to electoral processes, election monitoring, national minorities and migrants, freedom of speech and other issues in the European Union and the Russian Federation. His country was prepared to finance that institution on par with European Union funding for similar activities in the Russian Federation.

9. The United Nations agenda was aimed at building a new human rights architecture in the interest of progress and development for all. With the establishment of the Human Rights Council, the human rights activities of the United Nations had acquired new characteristics. While still in its early stages, the Council had been developing its structure and resolving organizational and procedural issues. Since the Council's fifth session, when it had adopted a comprehensive document on institutional building, the provisions of which were being enhanced and developed, the Russian Federation had been actively involved in that process and looked forward to finding mutually acceptable solutions in that area.

10. The Russian Federation had supported the initiative to establish the Council, on the assumption that it would contribute to strengthening the international human rights regime and promoting constructive dialogue among States, intergovernmental organizations and civil society. However, in practice, human rights remained an extremely tense and politicized sphere of international relations. There had been recent attempts to create a negative atmosphere within the Council, in an effort to divide countries and exert political pressure on various parties. Such actions were unacceptable.

11. The universal periodic review mechanism should become a key instrument for human rights oversight in Member States, and he welcomed the steps taken to launch the review process within the framework of the Human Rights Council. The voluntary cooperation of States was a vital prerequisite for effective review, which could be ensured only through respect for the principles of universality, objectivity and non-selectivity. Double standards, discrimination and politicization must be totally ruled out.

12. In an expression of its support for the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Russian Federation had made a voluntary contribution to the Office's budget in the amount of $2 million, and had signed a bilateral framework cooperation agreement with OHCHR in September 2007. The most effective way of strengthening and improving the operation of treaty bodies was through the adoption of organizational and technical measures that did not envisage amendments to the treaties themselves and to avoid duplication of work.

13. Although the human rights agenda had become an important element in all areas of United Nations work, the Russian Federation believed that human rights fell specifically within the competence of the Human Rights Council and not the non-specialized United Nations bodies, including the Security Council. Ensuring universal respect for human rights was a fundamental United Nations principle. Consequently, constructive teamwork by all interested parties, inspired by the Charter of the United Nations, and adherence to international law were the only ways of creating an effective human rights system.

14. **Mr. Khalilzad** (United States of America) said that the core philosophical value of the Universal Declaration of Human Rights was human dignity, and since such rights were meant to be universal, they were not the product of one specific civilization or cultural tradition. From his experience of Afghanistan and Iraq, he had felt the compelling desire of the people of those countries to live and work under the rule of law, establish humane societies and political order, and build a better life for their families, in the prosperity that only came through freedom.

15. The value of those fundamental human rights derived not only from their meaning for individuals, but also because they were instrumental for building successful societies. Freedom of expression, the right to own property and to benefit from the fruits of one's labour and investment, and good governance had contributed not only to advances in the sciences, but had also ensured security, the rule of law and the accountability of leaders. In the span of a few generations, freedom had spread across the world,

totalitarian communist dictatorships had collapsed and new democracies had emerged.

16. Over the previous twenty-five years, the proportion of the world's "free" countries had reportedly risen by more than 40 per cent. Much progress had been made in several countries such as Indonesia, Sierra Leone, Guatemala, and in the Middle East women's political rights were on an upward trajectory. The international community remained committed to supporting the efforts of the Government of Lebanon in laying a democratic foundation for an open, free and tolerant society in parallel with the vibrant press and civil society that had evolved over recent years.

17. However, in every region, there were Governments that continued to oppress human rights advocates, abused their power and misused the law against citizens seeking to exercise the fundamental freedoms of expression, association and peaceful assembly. In Zimbabwe, for example, civil society was under siege amid a continuing political and economic crisis. That Government had engaged in an intense campaign of repression, characterized by harassment, intimidation, arrests and violent assaults against opposition activists, professionals and labour leaders.

18. In Cuba, some 250 political prisoners and detainees had been held in cramped, unhygienic, life-threatening conditions, often in remote areas to limit family visits and contact with the outside world. There were two dozen independent journalists among those prisoners, which meant that Cuba had the world's highest number of detained journalists per capita. Detainees were routinely sentenced in secret trials without legal representation, and some faced up to 25 years of imprisonment. Government agents severely mistreated and threatened detainees and prisoners with impunity and also harassed the prisoners' families. Moreover, the Cuban Government had denied the International Committee of the Red Cross access to visit prisons since 1989.

19. The Democratic People's Republic of Korea was one of the world's most isolated and oppressive regimes, controlling almost all aspects of the lives of its citizens, denying freedom of speech, press, assembly and association, and restricting freedom of movement and workers' rights. Between 150,000-200,000 persons, including political prisoners, had been held in detention camps, and many had died from torture, starvation, disease and exposure.

20. In Burma, the 45-year dictatorship had dramatically curtailed basic freedoms of speech, assembly and worship. Before the recent action against peaceful protesters, there were approximately 1,200 political prisoners, including Nobel Peace Prize Laureate Aung San Suu Kyi, whose party had been elected by an overwhelming majority in 1990. According to the Government, the latest crackdown had caused 10 deaths, and 4,000 persons had been imprisoned. However, non-official sources had estimated the number of persons killed, injured and imprisoned to be much higher. In spite of recent releases, the Government continued to arrest and detain activists. He therefore took the opportunity to urge the Government to cooperate fully with the Special Adviser of the Secretary-General who was expected to visit shortly.

21. **Mr. Myint** (Myanmar), speaking on a point of order, said that his country should be called by its official name, which was Myanmar.

22. **The Chairman** reminded all delegations to use the official names of countries when referring to Member States.

23. **Mr. Khalilzad** (United States of America) said that the authorities of Belarus had stepped up their intimidation of the members of the political opposition and other citizens seeking to exercise their right of peaceful assembly. The few remaining non-governmental organizations (NGOs) struggled to operate legally under arbitrary registration requirements. Politically motivated arrests and detention continued, and political parties planning to take part in the 2008 parliamentary election had been threatened with deregistration.

24. In the Islamic Republic of Iran, the harassment, arrest and torture of dissidents had increased notably in 2007. The recent violent crackdown against labour leaders had been particularly serious. Human rights defenders and dissident clerics had been imprisoned, and the authorities had also targeted women's rights activists advocating an end to religious and ethnic discrimination. In the Syrian Arab Republic, there had been arbitrary arrests of writers and activists, who were detained without trial and even tortured for expressing their views. The human rights situation had further deteriorated since 2005, when the Government had

begun to further restrict the right of its citizens to privacy and basic freedoms.

25. Many other countries were undergoing difficult transitions from totalitarian regimes, and their populations had experienced both progress and setbacks in the area of human rights. The Government of the United States had voiced concern about developments that seemed to undermine the democratic order in the Russian Federation. In China, much progress had been achieved since the time when the people of China had been cut off from the world and their freedom stifled. There were still some concerns about the human rights situation in China, and his Government was engaged in discussions on those issues. He urged the leaders of China to understand that the country's continued success depended on its progress in the protection of human rights and the establishment of the rule of law. The Russian Federation and China should join with other countries in efforts to address the more egregious human rights violations.

26. Nine years had passed since the adoption by the General Assembly of the Declaration on Human Rights Defenders. It was incumbent upon Member States to breathe new life into that document through their words and actions and to adopt country-specific resolutions against gross and systematic violations of the rights set forth in the Universal Declaration of Human Rights. The international community should also vigorously oppose no-action motions aimed at thwarting efforts to hold oppressive Governments accountable for their violations. The special mandates of the United Nations system that performed the vital work of reporting on country-specific situations and the status of fundamental freedoms worldwide must be preserved. Similarly, the Organization must focus international attention on the plight of imprisoned human rights and democracy defenders and work for their immediate release.

27. Many Member States had recently become free democracies, and some of their leaders were former prisoners of conscience, who had been persecuted and maligned by their own Governments, simply for exercising the rights enshrined in the Universal Declaration of Human Rights. Today, they were recognized for being men and women of courage and of conscience, impatient patriots who were prepared to work for change, at great risk and against all odds. They were heroes who not only inspired their fellow citizens but also set an example of hope for people everywhere. In fulfilling the promise of Universal Declaration, Member States must align themselves with those who made sacrifices and suffered for the cause of freedom. Countries that respected the rights of their people were more likely to uphold peace and work towards the establishment of an international order based on the rule of law.

28. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), speaking on a point of order, asked the Chairman to ensure that delegations used its official title when referring to his country, the Democratic People's Republic of Korea.

29. **The Chairman** reiterated his appeal for delegations to use the official United Nations titles of Member States.

30. **Ms. Tchitanava** (Georgia) stressed her Government's commitment to the promotion of human rights. It was currently reforming its judicial, law enforcement and penitentiary systems in the light of relevant international instruments with a view to strengthening the right to a fair trial and the independence and impartiality of the judiciary and reducing the number of children institutionalized. In the summer of 2007, it had signed a cooperation agreement with the Government of the Netherlands and the United Nations Children's Fund (UNICEF) to reform the juvenile justice system. Steps had likewise been taken to combat religious intolerance and corruption.

31. She expressed concern at the ethnic cleansing of Georgians in and the forced flight of other nationalities from the Tskhinvali district of South Ossetia and Abkhazia, Georgia. In Abkhazia, a deliberate policy of ethnic cleansing had led to the displacement of 80 per cent of the population. In that context, she stressed the right of return of generations born in exile and deplored the discriminatory policies of the current separatist regime and the violence and insecurity that prevented the return of those displaced 15 years earlier. Human rights and property rights in particular had been violated, and harassment of the mostly Georgian population of the Gali district was chronic. That situation warranted the opening of a United Nations human rights sub-office in the district, as called for by the Security Council.

32. She recalled that the Representative of the Secretary-General on human rights of internally

displaced persons had called on the de facto authorities to set aside their discriminatory citizenship legislation, immediately admit United Nations civilian police and cooperate in the establishment of an international human rights office. It was deplorable that children in the Gali district were denied the right to study in their native language, Georgian, and that the teaching of Georgian history and culture was restricted. Stressing that democracy could build bonds and promote shared best interests, she called for legitimate democratic elections in which all who called Abkhazia their home could participate. Strong action was needed from the international community to that end.

33. **Mr. Khani-Jooyabad** (Islamic Republic of Iran) said that, despite the diversity of cultures in the world, its peoples were a family that identified with their individual cultures as well as the global community. In an increasingly interdependent world, the international community had an obligation to demonstrate that diversity had contributed to the values needed to act responsibly to meet the challenges facing humanity. Cultural diversity had been recognized in many international instruments as a factor for the advancement of peace, justice, development and human rights.

34. The most recent such instrument was the Tehran Declaration and Programme of Action adopted by the Non-Aligned Movement Ministerial Meeting on Human Rights and Cultural Diversity, held in Tehran on 3 to 4 September 2007. In the Declaration, the Non-Aligned Movement (NAM) renewed its commitment to human rights and cultural diversity and invited international organizations to consider how cultural diversity strengthened international solidarity and cooperation. It further called upon the international community to maximize the benefits of globalization through greater cooperation to promote respect for cultural diversity. The Non-Aligned Movement had also decided to establish a NAM Centre for Human Rights and Cultural Diversity in Tehran as a focal point for realizing the goals of the Declaration.

35. He regretted that agenda item 70 (c) was misused by certain countries that tended to attribute human rights violations to others while portraying their own human rights record as perfect. Certain Western countries disregarded human rights violations in their part of the world, such as the situation at Guantánamo Bay, extraordinary rendition and secret detention centres in Europe, violations of the rights of refugees, asylum-seekers and migrants in Europe, the United States of America and Canada, and the inhumane treatment of the Palestinian people, supported by the United States and Canada.

36. Discrimination on the basis of religion and ethnic origin, in particular against Muslims and certain ethnic groups, was on the rise in many Western countries, as confirmed, for example, by the United Nations independent expert on minority issues following her mission to France in September 2007. There was likewise concern about pretrial detention, police brutality, abuse of aboriginal women, summary or arbitrary executions and excessive counter-terrorism measures in Canada. Such human rights violations by Western countries had been documented by the Human Rights Committee and other international bodies. Accordingly, and in order to promote greater appreciation of the benefits of cultural diversity with a view to strengthening human rights, his delegation had tabled a draft resolution on human rights and cultural diversity. The text called for respect for cultural diversity, human rights and all cultures and paved the way for better understanding and recognition of cultural rights.

37. **Mr. Bouchaara** (Morocco), recalling that 80 per cent of persons suffering from mental or physical disabilities lived in the developing world, said that the disabled were often marginalized and discriminated against. Both social and physical obstacles prevented them from participating fully in society, thus depriving the world of their immense potential. It was therefore necessary to bring about a wholesale change in attitudes towards the disabled and, in a spirit of solidarity and respect, break the wall of indifference surrounding their plight.

38. His Government had signed the Convention on the Rights of Persons with Disabilities and had recently formulated its first national strategy for the prevention of disabilities, based on community involvement, partnership and capacity-building. That strategy would complement its 1995 community-based rehabilitation programme, which currently covered the entire country, promoting the decentralization of services with a view to making society as a whole, not just individuals or families, responsible for the integration of the disabled.

39. Numerous legislative and administrative measures had been adopted relating to the rights of the

disabled, in such areas as disability identification cards, job training and employment, and technical assistance programmes. Certain categories of jobs were reserved for the disabled; 7 per cent of employees in the public sector must come from those categories. Studies had shown that only 30 per cent of disabled children between the ages of 4 and 15 attended school, and his Government had therefore entered into an agreement with stakeholders for the creation of 145 new classes for the 2006-2007 school year. Severely handicapped children were assigned an assistant/sponsor. The school costs of disabled children from poor families were subsidized by the programme. In order to make it easier for the disabled to participate in society, in 2003 his Government had adopted a law on accessibility and in 2005 had implemented the "Accessible Morocco" programme for public and private places. Various structures had been created to meet the needs of the disabled: regional rehabilitation and care centres for disabled children, audio libraries in university cities and cities having centres for the blind, and community-based rehabilitation centres. In addition, many NGOs were doing exemplary work to help the disabled.

40. **Mr. Al-Hammadi** (Qatar) said that the Permanent Constitution of the State of Qatar, which had been adopted by referendum in 2003 and entered into force in 2005, guaranteed full protection of human rights and fundamental freedoms, in particular equality before the law without distinction as to sex, origin, language or religion. Such rights and freedoms were also reflected in other legislation, such as the Penal Code and the Labour Code, and in royal decrees ratifying international conventions.

41. Numerous governmental and non-governmental institutions for the promotion and protection of human rights had been established, as well as human rights departments within the Ministries of the Interior and Foreign Affairs and a National Office for Combating Trafficking in Persons. A national human rights commission had been created. Legislative and institutional measures adopted to combat trafficking in persons included a law forbidding the participation of children in camel-racing, the appointment of a national coordinator for the national strategy against trafficking in persons, the establishment of the Qatari Institute for Shelter and Humanitarian Care and a consciousness-raising campaign on the rights of immigrant workers.

42. Qatar had ratified the Convention on the Rights of the Child and its Optional Protocols, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and other human rights conventions, and had submitted periodic reports to the related treaty bodies. In addition to being host to the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, it continually hosted international conferences on development, democracy and human rights. Qatar was blessed with a favourable climate and political will for the promotion and protection of human rights.

43. **Ms. Núñez Mordoche** (Cuba) said that the revolution of 1 January 1959 had given the Cuban people control over their own destiny and led to the development of a political, economic and social system that guaranteed full enjoyment of human rights for all. Since that date, there had never been a single case of extrajudicial execution, disappearance or torture. The recent elections in which more than 95 per cent of Cubans had participated of their own free will were an example for the world.

44. Some countries that claimed to defend human rights, but were in fact former colonial powers, had taken it upon themselves to examine the human rights record of the developing countries, overlooking their own domestic problems and ignoring one of the most flagrant human rights violations in recent history, the occupation of Iraq, during which more than a half million civilians had died. States that accepted that situation or entered into trade agreements that masked dumping and encouraged neo-liberal globalization or were unable to restrain the super-Power that tortured in the name of liberty nevertheless persisted in passing judgement on the countries of the South.

45. She was perplexed that the European Union, while expressing its concern about the use of torture, had for two consecutive years opposed the adoption of a draft resolution on the investigation of arbitrary detentions and torture in the illegal United States naval base at Guantánamo Bay. The same countries that criticized Cuba were complicit in those illegal detentions, the practice of extraordinary rendition and the maintaining of secret prisons in Europe. Those who sought to impose Western democracy were proposing a homogenized world order in violation of the principles

of the United Nations and were guilty of selectivity in their defence of human rights.

46. Those countries accepted the double standard shown by the United States of America when dealing with Cuba. The United States continued to give refuge to the terrorist Luis Posada Carriles, who was responsible for blowing up a Cuban civilian airliner in 1976 and a plot to assassinate the President of Cuba in 2000. The recent adoption of measures by the United States, allegedly to accelerate the period of transition towards a pluralistic democracy, was nothing more than an attempt to reconquer Cuba by force. The journalists mentioned by the representative of the United States were in fact subversives in the pay of that country whose task was to promote disorder and upheaval. She wondered how the world's worst violator of human rights, could pretend to be their champion.

47. Her delegation would continue to work for genuine dialogue and mutual respect in the General Assembly and the Human Rights Council and hoped that the Organization's current human rights structure would lead to a more balanced assessment of the situation in the North and South countries. In that context, she stressed that the universal periodic review mechanism should be an impartial consideration of the human rights situation in any given country. She reaffirmed the Cuban people's sovereign will to build an ever more just society in spite of the United States embargo and recalled the overwhelming support given by the General Assembly to the draft resolution on the necessity of ending that embargo (A/62/L.1).

48. **Mr. Kariyawasam** (Sri Lanka) said that, in spite of a ruthless terror campaign against official and civilian targets, his Government was doing everything possible to guarantee the rule of law and human rights. He therefore regretted the statements by certain delegations and one special rapporteur that did not take into account positive actions on the part of his Government to address isolated human rights abuses or its collaboration with the Office of the High Commissioner for Human Rights and the special mechanisms of the Organization to support more effective human rights protections.

49. Sri Lanka, one of the oldest democracies in its region, was a party to all the major international human rights instruments, and believed in the principle of government responsibility. In addition to fulfilling its reporting obligations under those instruments, it shared information voluntarily with all human rights mechanisms. The High Commissioner for Human Rights and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had visited Sri Lanka and the Representative of the Secretary-General on internally displaced persons would visit the country later in 2007. His Government had cooperated fully with the High Commissioner, who had been able to meet freely with opposition and civil society representatives.

50. The High Commissioner had raised several issues on which his Government had already taken action: a Witness and Victim Assistance and Protection Act would be introduced in Parliament on an urgent basis, and a parliamentary committee was finalizing an amendment to the Constitution which would strengthen national human rights mechanisms. His Government remained engaged with the Office of the High Commissioner in seeking advice and technical support and recognized that States bore the primary responsibility to develop national human rights mechanisms.

51. His Government's policy of openness had often been abused by the terrorist group operating in the country and its defenders abroad, and he expressed surprise at certain assumptions and demands based on hearsay and politically motivated lobbying. His delegation would, nevertheless, continue to work with the international community to promote human rights. An International Independent Group of Eminent Persons had, for example, been established to monitor the work of the Commission of Inquiry set up to investigate alleged abductions, disappearances and extrajudicial killings.

52. Sri Lanka benefited greatly from remittances from migrant workers. His delegation was disturbed by the lack of international attention to the human rights of migrant workers, especially on the part of some countries that purported to be human rights champions, because ratification of the Convention on the Rights of All Migrant Workers and Members of Their Families could interfere with domestic migration policies. That Convention must become a truly universal instrument in order to protect the rights of all migrant workers, irrespective of their country of residence or origin. Lastly, he appealed to the Committee to adopt an informed, balanced and reasonable approach to that and all human rights situations.

53. **Mr. Vandavalli** (India) welcomed the recommendation of the Special Rapporteur on the right to food that all States should ensure that their international policies, including trade policies, did not affect the right to food in other countries as well as his warning that the conversion of food into biofuels could seriously affect the right to food. He expressed support for the efforts of the Working Group on the Right to Development to establish criteria for the evaluation of progress towards Millennium Development Goal 8 on a global partnership for development, with a view to mainstreaming that right in international policies and activities. He also welcomed the formulation by the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health of a right-to-health impact assessment methodology to aid policymaking and looked forward to the Special Rapporteur's forthcoming visit to India in November 2007.

54. While gross and systematic human rights violations must be addressed by the international community, a specific and routine bias against a certain group of countries did not promote the cause of human rights. An approach based on dialogue, consultation and cooperation had a better chance of promoting genuine improvement. A distinction must likewise be made between a responsive country that had democratic institutions and one that was repressive and unwilling or unable to improve its human rights situation. The international community should focus on capacity-building for the rule of law and democracy as the true foundation for human rights.

55. India was a democratic, pluralistic and secular polity. His Government was working to make human rights issues legally enforceable, particularly for rural populations. The National Rural Employment Guarantee Programme, launched in 2006, guaranteed 100 days' employment to every rural household, and the Supreme Court had recognized the right to food. A Right to Information Act had also been enacted and in addition, his Government had ratified the Convention on the Rights of Persons with Disabilities. As early as 1995, it had adopted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act. The National Policy for Disabled People, adopted in 2006, continue to eliminate the barriers faced by persons with disabilities.

56. **Mr. Neble** (Burkina Faso) said that his delegation considered cultural diversity and the protection of human rights to be an essential condition for national development. His Government had therefore taken measures to ensure that all ethnic groups in Burkina Faso continued to enjoy good relations with one another. The various religious communities in Burkina Faso lived together in harmony and a climate of mutual respect. Nevertheless, his Government had established national mechanisms and adopted legislation to prevent any form of religious discrimination and protect civil and political rights. A strategy for the promotion of peace and tolerance based on the principles of equality, non-discrimination and dialogue among communities was currently being developed.

57. His delegation attached great importance to General Assembly resolution 61/165 on protection of migrants. Burkina Faso was concerned by migratory movements and had a significant number of nationals abroad. The Government had taken several measures to protect the rights of migrants and facilitate the integration of those who had settled in the country. National legislation granted migrants the same civil rights and access to the courts as its nationals and prohibited discrimination against foreign workers.

58. Burkina Faso also promoted the free movement of people and goods within the Economic Community of West African States. The international community must ensure that efforts to combat terrorism, cross-border crime and illegal migration did not encroach on the rights of persons to enter, transit and reside in a country. Burkina Faso, for its part, had trained border police to be aware of the rights of migrants. Efforts to combat illegal migration must also take into consideration the underlying causes of that scourge and the factors that gave rise to it rather than target migrants, who were often victims of well-organized networks which profited from their ignorance and distress.

59. **Mr. Al-Saif** (Kuwait) said that, with regard to the allegations received by the Special Rapporteur on freedom of religion or belief concerning the abuse, in certain countries, of counter-terrorism laws largely perceived as targeting Muslims, his delegation reaffirmed the inadmissibility of such targeting, which was based on the acts of a small group of individuals that Islamic communities had themselves been the first to denounce. It also agreed that a dialogue among religions must be encouraged. Kuwait, together with the Islamic Cultural Centre of New York, had been a sponsor of the High Level Dialogue on Interreligious

and Intercultural Understanding and Cooperation for Peace recently held within the General Assembly.

60. It shared the concern of the Special Rapporteur on the right to food over corporate food-marketing practices that contributed to malnutrition and obesity, especially in children. Maximum efforts, both governmental and civilian, must be made to ensure the existence of a healthy-food industry. Also, the possible adverse impact of the use of new biofuels on food availability should be offset by efforts in countries that supported that use to base biofuel production on non-food plants and agricultural waste.

61. His delegation appreciated the objectivity and transparency of the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, which clearly showed that Israeli violations of Palestine rights were systematically planned, in total disregard of both Security Council and General Assembly resolutions. Such violations were conducive to extremism among both the Israelis, who felt absolute superiority, and the besieged Palestinians, who saw only death and despair about them. It was admirable for the Special Rapporteur to remind Israel that accusing him of supporting terrorism would not deter him from expressing the dictates of his conscience, and one must remember that many of the world's leaders had been dubbed terrorists in their struggles for the right of self-determination.

62. It was painful to recall the recent statement by the Under-Secretary-General for Humanitarian Affairs regarding the deterioration of the humanitarian situation in the Gaza Strip and the considerable decline in the humanitarian supplies allowed to enter the area. The Government of Kuwait therefore supported the suggestion of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 that the International Court of Justice should be asked to render an advisory opinion on the legal consequences of the prolonged occupation.

63. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that the global "war on terrorism" had resulted in indiscriminate mass killing and violations of human rights and fundamental freedoms. The United States invasion and occupation of Iraq and Afghanistan had caused the loss of millions of lives. Interference in the internal affairs of Iraq, Afghanistan and Palestine had threatened the people's very survival. No human rights could be guaranteed without the exercise of national sovereignty.

64. The full enjoyment of human rights also required the elimination of double standards, selectivity and politicization. While Israel's unlawful acts in the occupied territories and the overseas secret prisons run by the Central Intelligence Agency (CIA) went largely unnoticed, developing countries had been wrongly singled out as human rights violators, particularly through the adoption of human rights resolutions. Such double standards led to confrontation and distrust and undermined human rights efforts.

65. Chauvinism must also be eliminated. Far-right and neo-Nazi forces in the developed world committed acts of violence against foreigners and national minorities. His delegation drew attention to the oppression of Korean residents in Japan. Japanese authorities had intensified their crackdown on a Korean organization which sought to defend the democratic rights of Koreans living there. Hundreds of heavily armed policemen had conducted searches of the premises of the organization and members' houses.

66. Members had been assaulted and arrested without cause. Attempts had been made to auction off the land and building of the organization's headquarters in an attempt to suppress its activities. Japan had a legal and moral responsibility to protect the national rights of the Koreans residing in the country, who were victims and the direct descendents of the 8.4 million Koreans abducted and forcibly drafted during Japan's colonial rule. His Government was making every effort to promote and protect human rights, despite the 60-year economic blockade imposed by United States and other hostile forces. It would safeguard its socialist system, based on the people-centred Juche idea.

67. **Mr. Normandin** (Canada) said that human rights defenders had a role to play in all countries. Although many Governments recognized their legitimate work, in too many places human rights defenders continued to fall victim to the injustices that they were combating. Canada underlined the strength of such defenders around the world and urged all States to respect and protect their rights. Canada commended the Government of Ghana for fostering an environment conducive to their work. It also expressed its appreciation for the work done by human rights defenders in Senegal, Afghanistan, Sri Lanka and elsewhere, often at great personal risk. Despite the

setbacks in national elections in Nepal, Canada recognized the progress made there and was encouraged by the plans by the High Commissioner to strengthen the capacity of human rights defenders to consolidate those gains.

68. His delegation congratulated Egypt on its express prohibition of female genital mutilation and encouraged it to respect fully the right to freedom of expression. Canada welcomed the recent release of political prisoners in Cuba. However, it remained concerned about limitations on the freedom of expression of some journalists and imprisoned peaceful dissenters. It was deeply concerned over the harassment and arbitrary detention of human rights defenders in Viet Nam and China.

69. Canada was encouraged by China's recent efforts to improve regulations for lawyers and urged the Government to protect the work of human rights defenders. It was disturbed that such defenders, lawyers and journalists were subjected to human rights abuses in the Syrian Arab Republic. In Burma, the killing and mass arrest of monks and other peaceful protesters was evidence of the regime's intolerance of opposition.

70. **Mr. Myint** (Myanmar), speaking on a point of order, said that Member States should abide by the earlier ruling by the Chairman concerning country names.

71. **The Chairman** reiterated his appeal to members to refer to Member States by their official name.

72. **Mr. Normandin** (Canada) said that human rights defenders and democracy activists faced continuous threats to their work and well-being. Canada condemned the use of violence. Canada's Parliament had conferred honorary citizenship on Aung San Suu Kyi as a demonstration of its solidarity with her and her people. His delegation noted that harassment and violence were frequently used in Zimbabwe to silence political opponents and critics. It acknowledged the work of Adrian Hong of the human rights organization Liberty in North Korea, who continued to promote human rights in the Democratic People's Republic of Korea.

73. In the Islamic Republic of Iran, the judiciary continued to harass and silence Iranian dissenters. Canada recognized the human rights defenders working there. It regretted the lack of improvements in the human rights situation in Belarus, particularly with respect to human rights defenders. The Government also saluted the work of Canadian human rights defenders at home and abroad, including efforts to combat racism and address the obstacles to equality for Aboriginal persons in Canada.

74. **Ms. Abdelhady-Nasser** (Observer for Palestine) reaffirmed the applicability of international legal instruments, including humanitarian and human rights law, to the situation of the Palestinian people. Instruments such as the Convention on the Rights of the Child, the Geneva Convention relative to the Protection of Civilian Persons in Time of War and relevant United Nations resolutions as well as the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (see A/ES-10/273 and Corr.1) constituted the fundamental basis for an accurate examination of the human rights situation of the Palestinian people. Any such examination revealed that the rights of the Palestinian people were being systematically breached by the occupying Power.

75. Israel's violations of the rights of Palestinians in the occupied Palestinian territory included the denial of their right to self-determination; killing, injuring and maiming civilians with the use of excessive and indiscriminate force; extrajudicial killings; acts of terror; arbitrary detention and imprisonment of thousands of civilians, including children and women; physical and mental ill-treatment, degradation and torture of prisoners and detainees; the denial of due process of law, the construction and expansion of colonial settlements and bypass roads; the construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem; and the confiscation and exploitation of natural resources.

76. Israelis carried out collective punishment of the entire civilian population, destroyed livelihoods and obstructed access to medical care, education, food and humanitarian assistance as well as to places of worship, including in Jerusalem and Bethlehem. They imposed arbitrary restrictions on residence in Jerusalem in an attempt to further the city's Judaization. Israel, the occupying Power, would continue to trample on the law with impunity if it were not held accountable for those violations and crimes. Human rights must not be made conditional on conflict resolution. They must be protected under all circumstances.

77. Achieving peace required respect for international law. In accordance with international law, Palestinian civilians under Israeli occupation constituted protected persons towards whom Israel had numerous obligations by virtue of its status as an occupying Power. Israel must cease all violations of the human rights of the Palestinian people. The international community had clear responsibilities in that respect, particularly the High Contracting Parties to the Geneva Conventions. It must make every effort to end the grave human rights violations and promote the human rights of the Palestinian people, including the right to self-determination.

78. **Mr. Myint** (Myanmar) expressed the hope that the Human Rights Council would reduce confrontation among States on human rights issues and that the universal periodic review would be based on cooperation. Despite the widely held view that country-specific resolutions were counter-productive, there was a trend in the Committee to selectively target developing countries. Effective international cooperation required understanding the specific political, economic and social challenges faced by the countries concerned.

79. The current situation in Myanmar was complex. As a result of protracted insurgencies, there was no easy solution to existing challenges. The special procedures mechanism was an effective tool that should not unwittingly become a vehicle for disinformation. Unilateral sanctions disrupted the country's social and economic development, to which every State had a right. They had caused thousands of Myanmar women to lose their jobs in the county's textile industry.

80. His delegation commended the Working Group on the Right to Development and its task force for their achievements and supported the Working Group's recommendation for active participation by international financial and trade institutions in development efforts.

81. **Mr. Mavroyiannis** (Cyprus) said that Cyprus, which was fully committed to the comprehensive protection of human rights, considered the Office of the United Nations High Commissioner for Human Rights as the primary mechanism for safeguarding human rights standards and called for strengthening the effectiveness of the Human Rights Council. His country supported the completion of the legal definition of human rights through the adoption of such instruments as the International Convention for the Protection of All Persons from Enforced Disappearance, and favoured the establishment of minimum policy guidelines, such as the Declaration on the Rights of Indigenous People, in areas not yet ready for binding codification.

82. The illegal use of military force to occupy a large part of the territory of Cyprus in 1974 had deprived the Cypriot people of the right to peaceful existence. Many Cypriots' right to property had had been violated, while others were missing or lived in enclaves in the occupied area. Nearly a third of the population were refugees, while their properties were illegally exploited or sold off. Those massive violations of human rights had been repeatedly condemned in many United Nations resolutions and in several decisions by the European Court of Human Rights. Recent United Nations reports had referred to the human rights situation in Cyprus in relation to the issues of missing persons and the right to return. His country attached utmost importance to the Pinheiro principles envisaging the right to return to one's home and the restoration of property as a means of conflict resolution and peacebuilding.

83. In an effort to alter the island's demography, the occupying Power had relocated more than 160,000 settlers from Turkey to the occupied area in an effort to alter the island's demographic composition. That was a grave breach of the Geneva Conventions and a war crime. Moreover, the fate of most of the Cypriots missing since the invasion remained undetermined. Meanwhile, the rich cultural and religious heritage in the occupied part of the island had been extensively looted or damaged. The Cyprus question must be settled in accordance with international law and in full conformity with human rights standards for the people of Cyprus as a whole, regardless of their ethnic origin or religion. As a member of the European Union, Cyprus would continue to promote human rights for all of its citizens in spite of the difficulties created by aggression and occupation.

84. **Mr. Alexandrakis** (Greece) said that, as a result of the 1974 military invasion of Cyprus by Turkey and the subsequent occupation of Cypriot territory, the human rights and fundamental freedoms of Greek Cypriots continued to be massively violated. Approximately 200,000 Greek Cypriots had been forced to abandon their homes. Moreover, in violation

of the Geneva Conventions, Turkey had transferred thousands of Turkish settlers to Cyprus in order to alter the population structure. Turkish Cypriots had become a minority in the occupied areas. The ancient Greek and Byzantine cultural and religious heritage of the island was being destroyed and priceless icons and works of art were smuggled abroad.

85. For 33 years, the human rights situation in Cyprus had been addressed in, inter alia, a number of General Assembly and Security Council resolutions and many reports prepared by United Nations human rights bodies. The European Court of Human Rights had decided that Turkey had been responsible for extensive violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Turkey had largely failed to comply with the Court's judgement. As a result of those violations, the number of enclaved Cypriots had dwindled from 25,000 in 1974 to about 500 currently. Greece was also concerned about Turkey's unwillingness to conduct an effective investigation into the fate of missing persons and to provide their relatives with information in that regard.

86. Furthermore, Turkey continued to prevent displaced persons from returning to their homes and made available no information regarding the current status of their properties or any measures taken to safeguard the owners' rights, while construction activity in the occupied areas was largely linked to the illegal sale of real estate belonging to displaced Greek Cypriots. In view of the urgent need for a negotiated solution to the Cyprus problem, the agreement reached by the leaders of the two communities on 8 July 2006 and further elaborated in the agreed United Nations process of November 2006 should be fully implemented with a view to achieving a mutually acceptable bizonal and bicommunal federal solution based on the relevant Security Council resolutions and European Union principles.

87. **Mr. Outlule** (Botswana) said that, in view of the universality of human rights, the international community should avoid confrontation on human rights issues and seek to find common ground. Name calling and finger pointing did not serve the interests of the people concerned. His delegation commended the Human Rights Council for progress made in institution-building, including in particular the establishment of the universal periodic review mechanism, the Human Rights Council Advisory Committee, the special procedures system and the new complaints procedure. The High Commissioner for Human Rights had been instrumental in strengthening partnerships at the global, regional and national levels.

88. Botswana was party to five core United Nations human rights treaties and three optional protocols. Independent bodies active in the area of human rights in Botswana, such as the Office of the Ombudsman and various NGOs, were a testimony to Botswana's commitment to human rights. His Government deeply regretted that the issue of capital punishment had been dragged into the human rights debate. There was no consensus on the abolition of capital punishment. Due process and judicial safeguards were the crucial issues.

89. A State was sovereign and responsible for order, stability and security in its territory. It should therefore ensure that potential perpetrators of serious crimes would take into account the consequences of their actions. Some countries, in view of their specific national situations, had nobly decided to abolish or suspend capital punishment in the interest of social stability and peace. However, those measures could not serve as a standard for other States facing different circumstances. What should in fact be abolished was the right of States to wage war.

90. **Ms. Tincopa** (Peru) said that a series of initiatives taken by her Government to strengthen democracy had included steps against corruption and impunity and measures to modernize the administration of justice in compliance with international standards. Her Government sought to implement the recommendations formulated by representatives of United Nations mechanisms who had visited the country. Peru ascribed particular importance to strengthening the universal system for promoting and protecting human rights; to promoting the rights of vulnerable groups, inter alia through policies encouraging ethnic and cultural diversity and the participation of indigenous peoples in development; and to combating impunity in achieving national reconciliation.

91. **Ms. Kolontai** (Belarus) said that her delegation regretted that the Committee had not been able to avoid the consideration of politicized country-specific resolutions that applied double standards and targeted individual countries through unsubstantiated accusations. Such initiatives ran counter to the universal periodic review adopted by the Human

Rights Council. They enjoyed relatively little support by Member States, which were confronted with contradictory resolutions and an ever greater number of amendments. It was necessary to streamline United Nations action in that respect. Many recent activities and Government decisions testified to the promotion of human rights in Belarus. Her country was open to dialogue and ready to engage in equitable bilateral and multilateral cooperation on human rights issues.

The meeting rose at 1 p.m.